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AUG 28 2009

OFFICE OF PETITIONS

In re Application of
Zhiming Deng
Application No. 10/578,480
Filed: March 5, 2007
Attorney Docket No: **638594-07005**

ON PETITION

This is a decision on the petition filed June 10, 2009 under 37 CFR 1.137(b),¹ to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned January 22, 2009 for failure to timely pay the issue fee on or before January 20, 2009. Accordingly, a Notice of Abandonment was mailed February 12, 2009.

It appears that the Electronic Patent Application Fee Transmittal indicated that the issue fee payment was for a "PLANT APPLICATION" and thus \$595 was charged to petitioner's credit card. Since the instant application is a utility application, the difference in the amount, \$195.00, has been charged to petitioner's deposit account no. 50-4930 as per the authorization contained in the Issue Fee Transmittal. Therein, the issue fee in the amount of \$755.00, petition fee in the amount of \$810.00 and publication fee in the amount of \$300.00 have been applied.

¹Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c).

All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions